

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
ROBERT HOWELL, JR.,  
  
Defendant.

CASE NO. CR21-0190-JCC  
  
ORDER

This matter comes before the Court on the parties' stipulated motion to continue trial (Dkt. No. 23). Having thoroughly considered the motion and relevant record, the Court GRANTS the motion for the reasons explained below.

Defendant was recently charged by indictment with one count of possession of child pornography. (*See* Dkt. No. 17.) Trial is currently set for January 10, 2022. (Dkt. No. 21.) The parties have conferred regarding a realistic trial schedule. (Dkt. No. 23.) Defense Counsel is currently scheduled to begin a lengthy trial in the District of Alaska, and due to the complexity of the case, will not be able to complete review of discovery until that trial has ended. (*Id.* at 1–2.) The parties now request a continuance to September 26, 2022. (*Id.*) Defendant Howell has signed a speedy trial waiver to this effect (Dkt. No. 22.)

Having thoroughly considered the motion and the relevant record, the Court FINDS that the ends of justice served by granting a continuance outweigh the best interests of Defendant and

the public to a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). The reasons for this finding are:

1. Taking into account the exercise of due diligence, the failure to grant a continuance would deny counsel the reasonable time necessary for effective preparation, *see* 18 U.S.C. § 3161(h)(7)(B)(iv), and would therefore result in a miscarriage of justice, *see* 18 U.S.C. § 3161(h)(7)(B)(i).
2. The time between the date of this order and the new trial date is a reasonable period of delay given the complexity of the case, counsels' respective schedules, recently initiated plea negotiations, and the nature of contraband evidence requiring review at a government facility.

Accordingly, the Court GRANTS the parties motion (Dkt. No. 23) and ORDERS:

1. The January 10, 2022 jury trial is CONTINUED until September 26, 2022.
2. The December 8, 2021 pretrial motions deadline is CONTINUED until August 22, 2022.

The period from the date of this order until September 26, 2022 is an excludable time period under 18 U.S.C. § 3161(h)(7)(A).

DATED this 29th day of December 2021.

A handwritten signature in black ink, reading "John C. Coughenour", written over a horizontal line.

John C. Coughenour  
UNITED STATES DISTRICT JUDGE